

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Hanley	Team: Squad #4	CCRB Case #: 201602306	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/07/2016 , Tuesday, 03/08/2016 , Wednesday, 03/09/2016 , Thursday, 03/10/2016 , NA, 03/___/2016 3:10 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 75	18 Mo. SOL 9/1/2017	EO SOL 9/1/2017	
Date/Time CV Reported Thu, 03/10/2016 12:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/17/2016 11:30 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. SGT Shibu Madhu	04772	944754	075 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Barbara Maier	23395	957798	075 PCT		
2. POM Brett Goldberg	14917	955951	075 PCT		
3. POM Daniel Jurkowitsch	16463	957721	075 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.SGT Shibu Madhu	Discourtesy: Sergeant Shibu Madhu spoke discourteously to § 87(2)(b)				
B.SGT Shibu Madhu	Abuse: Sergeant Shibu Madhu refused to provide his name and shield number to § 87(2)(b)				

Case Summary

On March 10, 2016, § 87(2)(b) filed this complaint with IAB. It was referred to the CCRB via IAB Log#16-9177.

On an unknown date in March, 2016 determined to be between March 8, 2016 and March 10, 2016, at approximately 3:15 PM, § 87(2)(b) was waiting outside of his residence at § 87(2)(b) in Brooklyn for his son to come home from school with two individuals, discussing a recent NBA basketball game. A marked patrol car drove by § 87(2)(b) but then slowed down and reversed. Sgt. Shibu Madhu, of the 75th Precinct, in the front passenger's seat turned to § 87(2)(b) and said "Hi § 87(2)(b)." § 87(2)(b) ignored him. Sgt. Madhu stepped out of the vehicle allegedly asked why § 87(2)(b) ignored him, and when § 87(2)(b) continued to ignore him, stated "When I say hi, you say hi fucking back (**Allegation A**).” Sgt. Madhu called § 87(2)(b) a criminal and § 87(2)(b) responded that he should go find some real criminals. Sgt. Madhu began walking away and § 87(2)(b) called out "Since you've got time to bother me, let me have your name and identification" and Sgt. Madhu replied "You're not getting anything from me, I don't have time for no fat ass" and continued walking away (**within Allegation A and Allegation B**).” Sgt. Madhu crossed the street and began speaking to another individual. § 87(2)(b) did not have any further interaction with Sgt. Madhu on this date. No arrests were made or summonses issued as a result of this incident.

Video Footage

TARU surveillance footage was obtained for this incident for March 7, 2016 however it did not capture the incident. Additional footage could not be obtained as § 87(2)(b) had scaffolding blocking any exterior cameras.

Mediation, Civil and Criminal Histories

- Mediation was accepted by § 87(2)(b) during his interview statement on March 29, 2016. The case was sent to Alternative Dispute Resolution on June 16, 2016. Mediation was rejected by DAO and the case was returned to investigation on July 6, 2016.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- No notice of claim has been filed regarding this incident as of July 19, 2016.

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint. § 87(2)(b)
[REDACTED]
[REDACTED]
- Sgt. Madhu has been a member of service for nine years. He has sixteen previous CCRB complaints with a total of thirty seven allegations. Sgt. Madhu has a total of seven previous substantiated allegations across four complaints.
 - In Case#200912984, an allegation of force and an entry/search were substantiated with charges recommended. The NYPD did not impose discipline.

- In Case# 201308582, an allegation of an entry/search was substantiated against Sgt. Madhu with a recommendation for instructions. The NYPD imposed formalized training.
- In Case#201509833, one allegation of a Stop was substantiated against Sgt. Madhu with a recommendation for Command Discipline A. The NYPD disposition is not available.
- In Case #201601900, three allegations were substantiated against Sgt. Madhu, including an allegation of a frisk, a search (of a person) and question. The NYPD disposition for this case is unavailable

§ 87(2)(g)

Potential Issues

- § 87(2)(b) was unclear as to the date of the incident, stating that he has interacted with Sgt. Madhu multiple times. When he first reported the incident to IAB, § 87(2)(b) noted the date to be March 10, 2016. However, upon further contact with him, he initially clarified that that was a separate interaction with no FADO's. He then believed he interacted with Sgt. Madhu on the week of March 13, 2016. Upon further clarification, he indicated the incident occurred one day after the Lakers vs. Warriors NBA game. A search revealed that they solely played on March 6, 2016. Sgt. Madhu was RDO on March 7, 2016 and video footage from the date and approximate time does not capture any interaction between § 87(2)(b) and members of the NYPD. The investigation determined the date to therefore be in the window of March 8, 2016 to March 10, 2016. Sgt. Madhu's memo book and roll call confirm he was RDO on March 7, 2016 but that he worked between March 8, 2016 and March 10, 2016.
- § 87(2)(b) initially stated that a witness filmed this interaction. However he could not identify this witness and did not have the witness' name.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) identified the subject officer as a Sergeant of Indian descent, with a darker complexion, black hair, in his early 30s, and stocky. § 87(2)(b) stated that the subject officer was a sergeant of the 75th Precinct as he had stripes on his sleeves and "75" on his shirt collar. § 87(2)(b) further stated that he has interacted with this Sergeant on several occasions. Sgt. Madhu, the only Sergeant of Indian descent at the 75th Precinct, is a § 87(2)(b) old Indian male with straight black hair, dark skin and weighs approximately 215 lbs. While Sgt. Madhu did not recall the specific interaction with § 87(2)(b) he acknowledged to recognizing § 87(2)(b) and saying hello to him on occasion. Sgt. Madhu is the tactical supervisor, and visits footposts around the 75th Precinct, including one in the vicinity of Georgia and Blake Avenues, Footpost #1. § 87(2)(b) described Sgt. Madhu's operator as a white male and identified a female officer as a passenger of the vehicle who he described as a blonde white female of average height. The CCRB identified PO Barbara Maier as the only female assigned to a foot post on the range of incident dates. Based on the incident date, Sgt. Madhu utilized only two operators, PO Brett Goldberg on March 8, 2016 and PO Daniel Jurkowitsch on March 9, 2016 and March 10, 2016. Both are dark haired white males.

Allegation A -Discourtesy: Sergeant Shibu Madhu spoke discourteously to § 87(2)(b)
Allegation B- Abuse of Authority: Sergeant Shibu Madhu refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) was interviewed at § 87(2)(b) in Brooklyn on March 29, 2016 (See Board Review, Civilian statements). § 87(2)(b) who uses a motorized scooter, stated he was waiting for his son to come home from school outside of § 87(2)(b) when Sgt. Madhu drove by in a marked patrol car. After passing § 87(2)(b) the patrol car backed up and Sgt. Madhu, in the passenger seat, stated “Hi § 87(2)(b).” § 87(2)(b) ignored Sgt. Madhu. Sgt. Madhu stepped out of the car and allegedly said “When I say hi, you say hi fucking back.” § 87(2)(b) responded, “Since you’ve got time to bother me, let me get your name and identification.” Sgt. Madhu ignored the request, stating “You are not getting anything from me” and “I don’t got time for no fat ass.” Sgt. Madhu crossed the street and began speaking to § 87(2)(b). § 87(2)(b), § 87(2)(f) § 87(2)(b) could not hear this conversation, however Sgt. Madhu turned around towards him and stated “Thank you for telling us,” as if to make him appear as an informer. At this point, a bus with § 87(2)(b)’s son arrived and he did not have any further interaction with Sgt. Madhu. § 87(2)(b) did not know what resulted in the interaction between Sgt. Madhu and § 87(2)(b).

Sgt. Madhu was interviewed at the CCRB on June 1, 2016 (See Board Review, MOS Statements). Sgt. Madhu recognized § 87(2)(b) when presented his photo and acknowledged to seeing him in the vicinity of § 87(2)(b) on occasion. Sgt. Madhu stated he never stopped or wrote § 87(2)(b) a ticket or summons, never arrested him, and had no recollection of any interaction beyond saying hello to § 87(2)(b) on occasion. Sgt. Madhu did not know § 87(2)(b) by sight, not by name. Sgt. Madhu did not recall the having any extended conversation with § 87(2)(b) on any date. He specifically denied using profanity or refusing to provide his name and shield to § 87(2)(b).

PO Jurkowitsch and PO Maier were interviewed at the CCRB on July 14, 2016 (see Board Review, MOS Statements). PO Maier and PO Jurkowitsch both recognized § 87(2)(b) when presented his photo, stating they saw him around the area of Blake and Sutter Avenues. However neither officer recalled any interaction with § 87(2)(b) or being present for any interaction between Sgt. Madhu and § 87(2)(b) across the range of possible incident dates. Both officers denied ever observing Sgt. Madhu refusing to provide name and shield or speaking with profanity towards § 87(2)(b) or any other civilian.

§ 87(2)(g)

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Squad:

Investigator: _____

	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date